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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,406	01/16/2004	Laymon Scott Humphries	09710-1207	7489
25537	7590	12/15/2005	EXAMINER	
MCI, INC 1133 19TH STREET NW 4TH FLOOR WASHINGTON, DC 20036			PATEL, HEMANT SHANTILAL	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,406

Applicant(s)

HUMPHRIES ET AL.

Examiner

Hemant Patel

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No: _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4-6, 9-11, 14-16, 19-21, 24-26, 29, 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Lowrey (US Patent No. 6,611,740 B2).

Regarding claims 1, 6 and 11, Lowrey teaches of wireless appliance (col. 2, ll. 55-59) storing data received from input interface (Fig. 1, item 16, col. 6, ll. 10-14, OBD-II connector) coupling the object (Fig. 1, item 15, engine computer of vehicle being managed), receiving a message from the host computer (fleet and asset management system) over the airlink (standard wireless connection, col. 4, ll. 3-6) with a schema specifying the type of data and frequency of data to collect data and transmit and transmitting the collected data over the wireless network to the host computer (col. 2, ll. 55- col. 3, ll. 13, col. 4, ll. 3-24). The schedule is activated and data is transmitted when the vehicle is running (col. 2, ll. 5-6, col. 4, ll. 46-49).

Regarding claims 4, 9 and 14, Lowrey teaches of the interface coupled to sensor or switch representation in engine computer for retrieving the data (Fig. 1, item 16).

Regarding claims 5, 10 and 15, Lowrey teaches of a message with a schema specifying the type and frequency of data collection (col. 2, ll. 18-22, col. 5, ll. 10-17).

Regarding claims 16, 21 and 26, Lowrey teaches of transmitting a message from the host computer (col. 2, ll. 46-50) over the airlink (standard wireless connection, col. 4, ll. 3-6) to the wireless appliance (col. 2, ll. 55-59) coupled to the object (Fig. 1, item 15, engine computer of vehicle being managed) via an input interface (Fig. 1, item 16, col. 6, ll. 10-14, OBD-II connector), storing data received from the input interface (col. 6, ll. 14-21, collecting, storing, formatting and transmitting at different intervals), with a schema specifying the type of data and frequency of data to collect data and transmit and transmitting the collected data over the wireless network to the host computer (Fig. 2, steps 24, 25, col. 2, ll. 55- col. 3, ll. 13, col. 4, ll. 3-24). The wireless appliance transmits stored data over the wireless network (Fig. 2, step 24, col. 6, ll. 18-21). The schedule is activated and data is transmitted when the vehicle is running (col. 2, ll. 5-6, col. 4, ll. 46-49).

Regarding claims 19, 24 and 29, Lowrey teaches of the interface coupled to sensor or switch representation in engine computer for retrieving the data (Fig. 1, item 16).

Regarding claims 20, 25 and 30, Lowrey teaches of transmitting a message to the wireless appliance with a schema specifying the type and frequency of data collection (col. 7, 21-40).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 7, 8, 12, 13, 17, 18, 22, 23, 27, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowrey as applied to claims 1, 6 and 11 above, and further in view of King (US Patent Application Publication No. 2003/0011511 A1).

Regarding claims 2, 7 and 12, Lowrey teaches of a wireless network connection used for telephones or pagers for transmitting and receiving messages between host computer and wireless appliance (col. 4, ll. 3-24). Lowrey also teaches of employing terrestrial GPS system (i.e. assisted GPS) to determine location of wireless appliance and hence the tracked object (col. 10, ll. 61-66).

Lowrey does not specifically teach of sending location data request from wireless appliance to the host computer, receiving response data and using it to calculate the location of the wireless appliance within the wireless appliance.

However, in the same field of endeavor, King teaches of mobile device originating a location request from the reference network server, receiving the location assistance data and calculating its own location (paragraphs 0011, 0050).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Lowrey to include network assisted location computing in wireless appliance as taught by King in order to determine location of the wireless appliance even when clear unobstructed view of GPS satellites is not possible such as in big cities with tall buildings.

Regarding claim 17, refer to rejections for claim 2 and claim 16.

Regarding claim 22, refer to rejections for claim 7 and claim 21.

Regarding claim 27, refer to rejections for claim 12 and claim 26.

Regarding claims 3, 8, 13, 18, 23 and 28, Lowrey teaches of using global-positioning system to monitor the location of the vehicle (col. 10, ll. 58-61).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Spaur (US Patent No. 5,732,074) Mobile Portable Wireless Communication System

Asano (US Patent No. 5,157,610) System And Method Of Load Sharing Control For Automobile

McMillan (US Patent No. 5,797,134) Motor Vehicle Monitoring System For
Determining A Cost Of Insurance

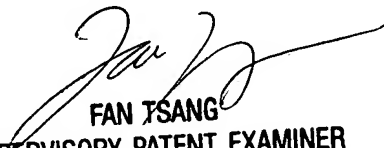
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant Patel whose telephone number is 571-272-8620. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSP

Hemant Patel
Examiner
Art Unit 2645


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600